

Duane Morris*

DUANE MORRIS LLP
100 AMERICAN METRO BOULEVARD, SUITE 150
HAMILTON, NJ 08619-2304
P.O. BOX 5203
PRINCETON, NJ 08543-5203
PHONE: 609.631.2400
FAX: 609.631.2401

RECEIVED
CENTRAL FAX CENTER

JAN 09 2007**BEST AVAILABLE COPY**

A Delaware limited liability partnership
FRANK A. LUCHAK, RESIDENT PARTNER

FACSIMILE TRANSMITTAL SHEET

TO: Technology Center 2180

FIRM/COMPANY: U.S. Patent and Trademark Office

FACSIMILE NUMBER: (571) 273-8300

FROM: PAUL A. SCHWARZ

DIRECT DIAL: 609.631.2446

DATE: January 9, 2007

FILE NUMBER: U.S. Patent Application No. 10/000,143 of Gauthier Barret et al.
entitled: **METHOD AND A CIRCUIT FOR CONTROLLING
ACCESS TO THE CONTENT OF A MEMORY INTEGRATED
WITH A MICROPROCESSOR**
Filed: October 23, 2001
Attorney Docket No. BARRET-1
Our File No. N0652-00110

TOTAL # OF PAGES: 23
(INCLUDING COVERSHEET)

MESSAGE: Please see attached document(s) for filing in USPTO.

NOTE: Original will NOT follow.

CONFIDENTIALITY NOTICE

THIS FACSIMILE TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY TELEPHONE THE SENDER ABOVE TO ARRANGE FOR ITS RETURN, AND IT SHALL NOT CONSTITUTE WAIVER OF THE ATTORNEY-CLIENT PRIVILEGE.

If there is a problem with this transmission, please call us as soon as possible at 609.631.2400.

RECEIVED
CENTRAL FAX CENTER

BEST AVAILABLE COPY

JAN 09 2007

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL WITH SUFFICIENT POSTAGE IN AN ENVELOPE ADDRESSED TO: Technology Center 2180, COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, OR BEING FACSIMILE TRANSMITTED TO THE USPTO (571) 273-8300, ON THE DATE INDICATED BELOW:

BY: Valarie L. Benson

Valarie L. Benson

DATE: January 9, 2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application: : **Group Art Unit:** 2187
Gauthier Barret et al. :
:
:
Serial Number: 10/000,143 : **Examiner:** Reba L. ELMORE
:
:
Filed: October 23, 2001 : **Confirmation No.:** 8524
:
Title: METHOD AND A CIRCUIT FOR : **Attorney Docket No.:** BARRET-1
CONTROLLING ACCESS TO THE :
CONTENT OF A MEMORY INTEGRATED :
WITH A MICROPROCESSOR :

Technology Center 2180
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Sir:

Applicants hereby petition under 37 CFR 1.181 MPEP 711.03(c) for withdrawal of the holding of abandonment of the subject patent application based upon the failure to receive the Corrected Notice of Allowance and Fee(s) Due mailed on June 23, 2006.

STATEMENT:

1. A Request for a New Customer Number was filed by Stephan P. Gribok, Esquire for the Duane Morris Heckscher LLP (currently, Duane Morris LLP), Princeton, New Jersey Office on March 14, 2001. The U.S. Patent and Trademark Office (PTO) established Customer No. 28581 with a correspondence address located Suite 100, 100 College Road West, Princeton, New Jersey 08540 (original correspondence address).
2. The subject patent application was filed on October 23, 2001 with an unexecuted Declaration And Power Of Attorney appointing any attorney associated with the Customer No. 28581 to prosecute the application and transact business in the PTO.
3. The PTO mailed a Notice To File Missing Parts Of Nonprovisional Application on December 20, 2001 because the Declaration And Power Of Attorney filed with the application on October 23, 2001 was unexecuted.
4. On February 20, 2002, a Response To Notice To File Parts Of Nonprovisional Application was filed by Jane Alexander, an attorney associated with Customer No. 28581 on February 20, 2002, which included a Declaration And Power Of Attorney signed by the inventors of the subject patent application. The executed Declaration And Power Of Attorney appointed any attorney associated with the Customer No. 28581 to prosecute the application and transact business in the PTO.
5. The Duane Morris LLP, Princeton, New Jersey Office relocated to new offices in October of 2004. The PTO Electronic Business Center records confirm that a Customer Number Data Change form was filed on October 4, 2004 relative to Customer No. 28581. The filing of the Customer Number Data Change form changed the correspondence address of the Duane Morris LLP, Princeton, New Jersey Office to Post Office Box 5203, Princeton, New Jersey 08543-5203 (new correspondence address).

DM2024058.2 N0652-00110

- 2 -

6. On December 4, 2006 a search of the file jacket of the subject patent application was made which revealed that no Corrected Notice of Allowance and Fee(s) Due mailed on June 23, 2006 by the PTO, had been received by the attorneys of record in the subject patent application.

7. Further on December 4, 2006, a search was conducted on the Patent Application Information Retrieval (PAIR) system under the subject patent application, which uncovered that a Corrected Notice of Allowance and Fee(s) Due setting a due date of September 25, 2006 for paying the issue fee, had been mailed by the PTO on June 23, 2006, to the original correspondence address, and not the new correspondence address. It was further uncovered that the subject patent application had gone abandoned for failure to pay the issue fee due on September 25, 2006.

8. Still further on December 4, 2006 Valarie L. Benson, a legal assistant in the Duane Morris LLP, Princeton New Jersey Office, conducted a telephone conference with Mr. Richard Fernandez, a Supervisor in the Electronic Business Center (PTO Telephone Reference No. 156179160, documents this telephone call on December 4, 2006 for a first status inquiry in the subject patent application). Mr. Fernandez researched the subject patent application and made further discovery that the OIPE Unit had removed the subject patent application from Customer No. 28581 on December 19, 2001. On that date, the OIPE Unit replaced Customer No. 28581 with the original correspondence address associated with Duane Morris LLP, Princeton, New Jersey Office.

9. Still further on December 4, 2006, Mr. Fernandez secured authorization to re-associate the subject patent application with Customer No. 28581.

10. The attorneys of record had no knowledge that the subject application was not associated with Customer No. 28581 when the original correspondence address was changed to the new correspondence address.

DM2924058.2 N0652-00110

- 3 -

11. The search of the file jacket recited in paragraph 6 also revealed that no Notice of Allowance and Fee(s) Due mailed November 28, 2005 had been received by the attorneys of record in the subject patent application.

12. The search made on PAIR recited in paragraph 7 also revealed that a Notice of Allowance and Fee(s) Due was mailed by the PTO on November 28, 2005 and was returned to the PTO by the U.S. Postal Service with a *Forward Time Expired -Return to Sender* label attached, which documented the new correspondence address (P.O. Box 5203, Princeton, NJ 08543-5203). This mail was received in the PTO and stamped by the PTO Mail Center as received December 5, 2005. A copy of this documentation is enclosed herewith.

13. The Notice of Allowance and Fee(s) Due mailed November 28, 2005 which was received in the PTO and stamped by the PTO Mail Center as received December 5, 2005 was stamped as received by OIPE/IAP on December 8, 2005 in the subject patent application. A copy of this documentation is enclosed herewith.

14. Research of the file jacket in the subject patent indicates that the Notice of Abandonment mailed November 9, 2006 was not received by Duane Morris LLP, Princeton, New Jersey Office.

15. The Notice of Abandonment mailed November 9, 2006 was returned to the U.S. Patent and Trademark Office by the U.S. Postal Service with a *Return to Sender Not Deliverable as Addressed Unable to Forward* label attached to the envelope in the subject patent application. This mail was received in the PTO and stamped by the PTO Mail Center as received November 24, 2006. A copy of this documentation is enclosed herewith.

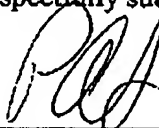
16. A copy of our docket record where the Notice of Allowance and Fee(s) Due mailed November 28, 2005; Corrected Notice of Allowance and Fee(s) Due mailed June 23, 2006; and Notice of Abandonment mailed November 9, 2006 would have been entered had these documents been received and docketed by the Duane Morris LLP, Princeton, New Jersey Office, is attached herewith.

DM21924058.2 N0652-00110

17. This petition is believed to be timely under 37 CFR 1.181 (f), as it has been filed within two months of the mail date of the Notice of Abandonment mailed November 9, 2006.

18. No fee is believed to be due as a result of this communication. The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,



PAUL A. SCHWARZ
Registration No. 37,577
Attorney for Applicants

Date: January 9, 2007

DUANE MORRIS LLP
P.O. Box 5203
Princeton, NJ 08543-5203
Direct Telephone. 609.631.2446
Facsimile: 609.631.2401
paschwarz@duanemorris.com

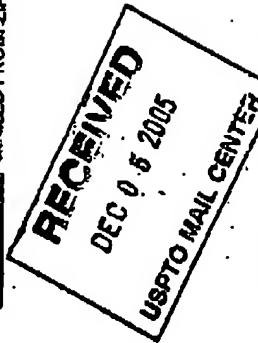
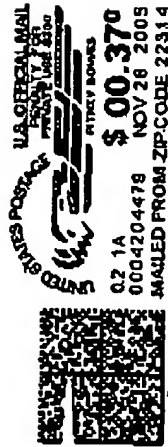
TC2100 RANDOLPH

Organization Bldg./Room
 UNITED STATES PATENT AND TRADEMARK OFFICE
 P.O. Box 1430

Alexandria, VA 22313-1430
 If Undeliverable Return In Ten Days

Official Business
 Penalty For Private Use, \$300

AN EQUAL OPPORTUNITY EMPLOYER



DUANE MORRIS
 PO BOX 5203
 PRINCETON NJ 08543-5203
 RETURN TO SENDER

08543-5203-5203

JAN 09 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22315-1459
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7390 11/28/2005
Duane, Morris & Heckscher, LLP
Suits 100
100 College Road West
Princeton, NJ 08540RECEIVED
OIP/EIAP
DEC 08 2005

EXAMINER	
ELMORE, REBA I	
ART UNIT	PAPER NUMBER
2189	
DATE MAILED: 11/28/2005	

APPLICATION NO.	FILING DATE	FIRST NAME INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,143	10/23/2001	Cathier Barret	BARRBT-1	8324

TITLE OF INVENTION: CONTROL OF THE ACCESS TO A MEMORY INTEGRATED WITH A MICROPROCESSOR

APPL TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	02/28/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

JAN 09 2007

Complete and send this form, together with applicable fee(s), to: **Mail**

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the **Priority**, **advance orders** and **notification of maintenance fees** will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7390 11/28/2005

Duane, Morris & Heckscher, LLP
Suite 100
100 College Road West
Princeton, NJ 08540

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10000,143	10/23/2001	Gaudier Barret	BARRET-1	8524

TITLE OF INVENTION: CONTROL OF THE ACCESS TO A MEMORY INTEGRATED WITH A MICROPROCESSOR

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	02/28/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
ELMORE, REBA I	2199	711-164000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 3 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 33 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995; no persons are required to respond to a collection of information unless it displays a valid OMB control number.

JAN 09 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1458
Alexandria, Virginia 22311-1458
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,143	10/23/2001	Gauthier Barret	BARRET-1	8524

7190 11/23/2005

Duane, Morris & Heckscher, LLP
Suite 100
100 College Road West
Princeton, NJ 08540

EXAMINER

ELMORE, REBA I

ART UNIT

PAPER NUMBER

2119

DATE MAILED: 11/23/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 303 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 303 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability	Application No.		Applicant(s)	
	10/000,143		BARRET ET AL	
	Examiner		Art Unit	
	Reba I. Elmore		2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the Initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed October 4, 2005.

2. ☒ The allowed claim(s) is/are 1-5 and 7-11 now renumbered 1-10.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-848) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

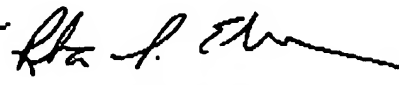
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(e)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____
---	---


REBA I. ELMORE
PRIMARY EXAMINER

Microsoft Internet Explorer provided by Duane Morris LLP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: P.O. Box 1409
Alexandria, Virginia 22301-1409
www.uspto.gov

NOV 3 4 2006

APPLICATION NO. 10000143

FILING DATE 10/23/2001

FIRST NAMED INVENTOR Gaudier, Bruce

ATTORNEY DOCKET NO. BARDET-1

CONFIRMATION NO. 8324

EXAMINER ELAMORE, REBA I

ART UNIT 3119

PAPER NUMBER

DATE MAILED: 11/09/2006

Duane, Morris & Heckscher, LLP
Suite 100
100 College Road West
Princeton, NJ 08540

Please find below and/or attached an Office communication concerning this application or proceeding.

U.S. OFFICIAL MAIL
 PENALTY
 FOR
 PRIVATE
 USE \$300
 PB-METER
 5508032 U.S. POSTAGE



AN EQUAL OPPORTUNITY EMPLOYER

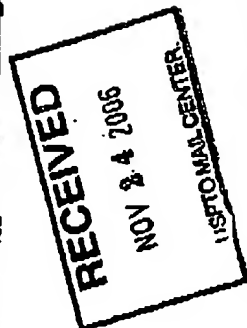
Organization: Bldg./Room
 UNITED STATES PATENT AND TRADEMARK OFFICE
 P.O. Box 1450

Alexandria, VA. 22313-1450

If Undeliverable Return In Ten Days

Official Business

Penalty For Private Use, \$300

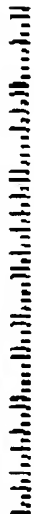


NIXIE 006 1 00 11/21/08

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

BC: 22313145050 *0417-02107-13-05

0854063307*005050





UNITED STATES PATENT AND TRADEMARK OFFICE


 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,143	10/23/2001	Gauthier Barret	BARRET-1	8524

 7390 11/09/2006
 Duane, Morris & Heckscher, LLP
 Suite 100
 100 College Road West
 Princeton, NJ 08540

EXAMINER

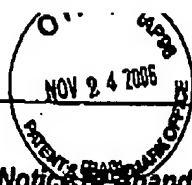
ELMORE, REBA I

ART UNIT PAPER NUMBER

2189

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.	Applicant(s)	
10/000,143	BARRET	
Examiner	Art Unit	
ELMORE	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0

Attachment to Notice of Abandonment

**For questions concerning the notice contact
Office of Patent Publication**

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>



Respond to the Notice of Abandonment by one of the following:

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing; or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop: Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

Revised Sept. 2006

Diary Log for Case: P9288US00**Printed: 1/9/2007**

Log Date	Type	From	Diary Line Text	Date	Login Id
8/22/2005 12:29:51	Add	Term	RCE/CPA 1st OA Resp Filed	8/22/2005	MAD160
6/27/2005 14:14:17	Add	Diary	RCE/CPA 1st OA Mail Date	6/16/2005	SXB160
4/12/2005 10:38:35	Add	Diary	RCE/CPA Filed	4/12/2005	SXB160
3/28/2005 13:17:33	Change	Diary	Advisory Action Mail Date	3/9/2005	SXB160
3/28/2005 13:16:01	Add	Diary	Advisory Action Mail Date	3/9/2005	SXB160
2/16/2005 14:59:18	Add	Term	Final Reject Resp Filed	2/6/2005	CLP160
11/24/2004 15:58:15	Add	Diary	Final Reject Mail Date	11/12/2004	MLS160
8/4/2004 10:55:55	Add	Term	2nd OA Resp Filed	8/4/2004	SXB160
3/12/2004 09:38:10	Change	Diary	2nd OA Mail Date	3/4/2004	MLS160
3/12/2004 09:35:42	Change	Diary	2nd OA Mail Date	6/4/2004	MLS160
3/9/2004 13:53:21	Change	Term	2nd OA Mail Date	6/4/2004	MLS160
3/9/2004 13:53:15	Add	Diary	2nd OA Mail Date	3/4/2004	MLS160

End of report

Docket Report for Serial No. 10/100,143. (Case No. P9288US00)

Patello - 4.3 [User: VLHRS04] [Server: plh4p001] [Database: PATENTUS00]

Case: Patent United States - Filed

Entry Type: [Case No. P9288US00]

Base: [Patent] [Docket] [Actions] [Class/Child] [Job/Invention] [Family Data] [Documents]

Patent No. [P9288US00] [Application No.] [Priority No.] [Priority Date]

Case: 10/100,143 [Inventor] [Applicant] [Agent]

Responsible Office: Princeton

Application Date: 10/23/2001

Application No.: 10/000143

Priority Date:

Priority No.: 00/13684

Priority Country: France

Priority Document Filed:

Additional Priorities:

Foreign Filing:

Issue Date:

Patent No.:

Expiration Date:

Patent Term Adjustment:

Maintenance Fee Start:

Maintenance Fee Due:

PAGE 20/23 * RCVD AT 1/9/2007 6:29:38 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-3/14 * DNIS:2738300 * CSID:6096312401 * DURATION (mm:ss):15:20

PAGE 21/23 * RCVD AT 1/9/2007 6:29:38 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-3/14 * DNIS:2738300 * CSID:6096312401 * DURATION (mm:ss):15:20

PAGE 22/23 * RCVD AT 1/9/2007 6:29:38 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-3/14 * DNIS:2738300 * CSID:6096312401 * DURATION (mm:ss):15-20

PAGE 23/23 * RCVD AT 1/9/2007 6:29:38 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-3/14 * DNIS:2738300 * CSID:6096312401 * DURATION (mm:ss):15:20

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☐ BLACK BORDERS

☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES

☒ FADED TEXT OR DRAWING

☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING

☐ SKEWED/SLANTED IMAGES

☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS

☒ GRAY SCALE DOCUMENTS

☒ LINES OR MARKS ON ORIGINAL DOCUMENT

☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.